

REMARKS

The present Office Action addresses and rejects claims 1, 3, 4, 8-15, 17-24, 26-30, and 32-33. Applicants file herewith a Notice of Appeal and the required fee set forth in 37 C.F.R. §41.20(b)(1). Applicants respectfully request entry of the new claims added herein for consideration on appeal.

Amendments to the Claims

Applicants add new claims 36-44. New independent claims 36 and 43 are identical to independent claims 1 and 29, respectively, as previously presented on May 30, 2008. Accordingly, these claims correspond to pending claims 1 and 29 with the exception that the most recent amendments directed to the membrane being spray-coated and the membrane having certain compliance values have been “backed out” of the new claims. New dependent claims 37, 38, 39, 40, 41, 42, and 44 are identical to previously presented claims 14, 15, 18, 19, 20, 21, and 30, respectively.

Applicants submit that entry of these amendments is proper under MPEP § 714.13(II) because they “require only a cursory review by the Examiner” (if they require any review at all). With respect to after-final amendments, MPEP § 714.13(II) states:

Except where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner, compliance with the requirement of a showing under 37 CFR 1.116(b)(3) is expected in all amendments after final rejection.

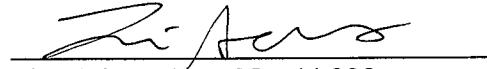
(Emphasis added). Since the subject matter of these claims has already been identically presented to, searched by, and rejected by the Examiner, and since these claims are broader than those currently under rejection, nothing more than a cursory review will be required of the Examiner to enter and address them. Accordingly, entry of new claims 36-44 is appropriate.

Conclusion

Applicants submit that all claims are in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Application No.: 10/646,108
Filing Date: August 22, 2003
Group Art Unit: 3736
Examiner: Huong Q. Nguyen
Docket No.: 22719-45 (COD5004)

Respectfully submitted,



Lisa Adams, Reg. No. 44,238
Attorney for Applicant(s)

Date: March 31, 2009

Nutter McCennen & Fish LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02110
Tel: (617) 439-2550
Fax: (617) 310-9550

1818159.1